

ESTTA Tracking number: **ESTTA688100**

Filing date: **08/06/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Fairway Import/Export, Inc.		
Entity	Corporation	Citizenship	California
Address	2130 East Gladwick Street Rancho Dominguez, CA 90220 UNITED STATES		

Attorney information	Antonio R. Sarabia II IP Business Law, Inc. 3463 Tanglewood Lane Rolling Hills Estates, CA 90274 UNITED STATES asarabia@cox.net Phone:310 377-5171
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### Applicant Information

Application No	86551471	Publication date	08/04/2015
Opposition Filing Date	08/06/2015	Opposition Period Ends	09/03/2015
Applicant	Abrignani, Jeffrey P. 20930 St. Gertrude St. Clair Shores, MI 48081 UNITED STATES		

### Goods/Services Affected by Opposition


Class 025. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Athletic shirts


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3245332	Application Date	03/15/2004
Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	LIFT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2006/04/10 First Use In Commerce: 2006/04/10 Work shirts, and work hats


U.S. Registration No.	3352191	Application Date	05/08/2006
Registration Date	12/11/2007	Foreign Priority Date	NONE
Word Mark	LIFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 2003/05/01 First Use In Commerce: 2004/06/01 [ alarm clocks, ankle bracelets, ashtrays of precious metal, bracelets, clocks, costume jewelry, cufflinks, earrings, jewelry, money clips of precious metal, pendants, watches, and watch chains ]</p> <p>Class 025. First use: First Use: 2002/08/01 First Use In Commerce: 2004/06/01 t-shirts, polo shirts, sweat shirts, socks, rain coats, rain jackets, rain pants, thermal coats, thermal pants, thermal underwear, hooded jackets, hooded sweat-shirts, gloves, thermal hats, shoes and boots, bandanas, belts, caps, hats, headwear, jackets, flannel shirts, sports shirts, socks, sun visors, suspenders, sweaters, tank tops, all to be sold at do it yourself stores, construction equipment and supply stores, industrial work wear stores and industrial work wear departments</p> <p>Class 026. First use: First Use: 2003/05/01 First Use In Commerce: 2004/06/01 belt buckles not of precious metal, belt clasps, barrettes, buttons for clothing, cloth patches for clothing, clothing buckles, embroidered emblems, embroidered patches for clothing, embroidery for garments, fabric appliques, hair bands, hair bows, hair clips, hair ornaments, hair scrunchies, hat ornaments not of precious metal, and novelty buttons</p>		

U.S. Registration No.	3205569	Application Date	02/16/2006
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Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	LIFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2002/08/01 First Use In Commerce: 2004/06/01 Computerized on-line ordering services in the field of clothing, footwear, gearbags, head gear, posters, safety equipment, sporting goods, stickers, sunglasses, and wallets; Mail order catalog services featuring clothing, footwear, gear bags, head gear, posters, safety equipment, sporting goods, stickers, sunglasses, and wallets; On-line retail store services featuring clothing, footwear, gear bags, head gear, posters, safety equipment, sporting goods, stickers, sunglasses, and wallets; Retail stores featuring clothing, footwear, gear bags, head gear, posters, safety equipment, sporting goods, stickers, sunglasses, and wallets		

U.S. Registration No.	3042245	Application Date	08/18/2003
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	LIFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 2005/07/07 First Use In Commerce: 2005/07/07		

	<p>Toolbelts and tool aprons</p> <p>Class 009. First use: First Use: 2005/07/07 First Use In Commerce: 2005/07/07 Protective work ear plugs not for medical purpose, elbow guards for worker, safety goggles, safety glasses, knee pads for workers, protective gloves for industrial use</p> <p>Class 010. First use: First Use: 2005/07/07 First Use In Commerce: 2005/07/07 Orthopedic belts, and orthopedic braces, namely, wrist braces and shoulder braces</p>
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U.S. Registration No.	4098364	Application Date	05/04/2011
Registration Date	02/14/2012	Foreign Priority Date	NONE
Word Mark	LIFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2005/09/14 First Use In Commerce: 2005/09/14 Tool bags sold empty in tool stores and safety equipment [ store ] * stores *		

Attachments	<p>78384303#TMSN.png( bytes )</p> <p>78879076#TMSN.png( bytes )</p> <p>78816259#TMSN.png( bytes )</p> <p>76541387#TMSN.png( bytes )</p> <p>85311930#TMSN.png( bytes )</p> <p>noticeoplift313.pdf(42753 bytes )</p>
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Antonio R. Sarabia II/
Name	Antonio R. Sarabia II
Date	08/06/2015

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 86551471

Filed: March 6, 2015

Mark: Lift 313

Published in the Official Gazette: August 4, 2015

Fairway Import/Export, Inc.

Opposer,

**V.**

Mr. Jeffrey Abrignani

Applicant.

Opposition No.

## NOTICE OF OPPOSITION

Fairway Import/Export, Inc. believes it would be damaged by registration of Application Serial No. 86551471 in class 25, and opposes its registration.

The grounds for the opposition are:

1. Fairway Import/Export, Inc. is a corporation with a place of business at 2130 East Gladwick Street, Rancho Dominguez, CA 90220. Opposer is in the business of marketing and selling clothes and other items.

2. Applicant filed its trademark application to register "Lift 313" in class 25 on March 6, 2015. Applicant seeks registration of the mark for: Athletic shirts.

3. Opposer owns the following trademark registrations:

1. Mark: "Lift," Registration No. 3,245,332 Class: 25;  
Registration Date: May 22, 2007.

2. Mark: "Lift," Registration No. 3,352,191 Classes: 25 and 26;  
Registration Date: April 28, 2009.

3. Mark: "Lift," Registration No. 3,205,569, Class 35;  
Registration Date: February 6, 2007.

4. Mark: "Lift," Registration No. 3,042,245, Classes: 8, 9 and 10;  
Registration Date: January 10, 2006.

5. Mark: "Lift," Registration No. 4,098,364, Class: 18;  
Registration Date: February 14, 2012.

Opposer has trademark rights to "Lift" on clothing and retail sales of clothing, among other rights. Opposer's use of "Lift" is prior to Applicant's constructive and actual use of "Lift 313."

1 4. Upon information and belief, Opposer alleges that the goods of Opposer and  
2 Applicant are or will be offered in similar channels of commerce and offered to  
3 similar customers.

4  
5 5. As a result of the confusing similarity between Opposer's mark and Applicant's  
6 mark and because the goods of Applicant and Opposer are similar, are or will  
7 be in similar channels of commerce, and are directed to similar customers,  
8 registration of the mark "Lift 313" in connection with Applicant's goods in class  
9 25 is likely to cause confusion or is likely to deceive purchasers as to the source  
10 or sponsorship of goods.

11  
12 Opposer requests that the application for the mark "Lift 313" in class 25, Serial  
13 No.86551471 be rejected and that the registration for the mark be refused.

14  
15 Opposer gives notice under Rule 2.122(d) of the Rules of Practice that at the  
16 hearing and in any appeal on this opposition proceeding, it will rely on its registrations as  
17 evidence in support of this Notice of Opposition.

18  
19 Dated: August 6, 2015

20  
21 /Antonio R. Sarabia II /

22 Antonio R. Sarabia II

23 IP Business Law, Inc.

24 Attorney for Opposer Fairway Import/Export, Inc.